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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 284th meeting
Held at Headquarters, New York, on Monday, 7 February 2005, at 10.30 a.m.

Temporary Chairman: Mr. Annan (Secretary-General of the United Nations)
Chairman: Mr. Badji ..... (Senegal)

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The meeting was called to order at 10.45 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Election of officers

2. **The Temporary Chairman** invited the Committee to consider the nominations for the posts of Chairman, Vice-Chairmen and Rapporteur of the Committee.

3. **Mr. Jenie** (Indonesia) said that the Committee's work was invaluable to the quest of the Palestinian people for statehood and respect. While its task was not an easy one, it made a vital contribution to the peace process. Regrettably, the situation in the Occupied Palestinian Territory had not improved over the past year. However, it was to be hoped that, with the successful conduct of presidential elections in Palestine, the peace process could be revived. The Committee would require strong, committed and dynamic leadership in the coming year, and continuity would also be important. He therefore wished to propose Mr. Badji (Senegal) for re-election to the office of Chairman, Mr. Farhâdi (Afghanistan) and Mr. Requeijo Gual (Cuba) for re-election to the two offices of Vice-Chairman and Mr. Camilleri (Malta) for re-election to the office of Rapporteur.

4. **Mr. Diarra** (Mali) seconded the nominations.

5. *Mr. Badji (Senegal), Mr. Farhâdi (Afghanistan), Mr. Requeijo Gual (Cuba) and Mr. Camilleri (Malta) were elected by acclamation.*

6. *Mr. Badji (Senegal) took the Chair.*

Statement by the Secretary-General

7. **The Secretary-General** said that the year ahead was a very important one for the cause of peace in the Middle East. The year had begun auspiciously with the successful conduct of the Palestinian presidential elections. Palestinians could be proud of the peaceful and competitive atmosphere that had marked the election campaign. The United Nations was glad to have been able to provide assistance to the electoral authorities and would do so again for the upcoming Palestinian Legislative Council elections.

8. The Palestinian people had voted in large numbers for a candidate opposed to violence and committed to the implementation of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex) and were to be applauded for doing so. He wished to congratulate the new President of the Palestinian Authority, Mr. Mahmoud Abbas, on the significant moves he had made in his first weeks in office. He was pleased to note that Prime Minister Ariel Sharon of Israel had also taken important steps.

9. The new attitude of cooperation between the parties had already borne fruit: security coordination had been restored, the two sides were in almost daily contact, and, on Tuesday, 8 February 2005, Mr. Abbas and Mr. Sharon would meet in Sharm el-Sheikh, Egypt, together with the Egyptian President, Mr. Hosni Mubarak, and King Abdullah of Jordan, in what was a welcome initiative.

10. The situation, however, remained very fragile. The parties must be encouraged to deepen their political dialogue and to match their positive words with action on the ground. In his inaugural address, Mr. Abbas had confirmed his readiness to restart final status negotiations with Israel. He had also committed himself to restructuring the Palestinian security forces, strengthening Palestinian institutions and carrying forward democratic reform. He was sure that Mr. Abbas would move swiftly to act on those commitments. At the same time, he looked forward to the early implementation of Mr. Sharon's disengagement plan, in coordination with the Palestinian leadership, as an important step leading to the implementation of the road map.

11. He urged all Member States to help the parties meet their commitments and strengthen their cooperation so as to ensure that the opportunity for progress towards peace now at hand was firmly grasped. The United Nations would continue to work with its partners in the Quartet for a comprehensive, just and lasting peace, based on Security Council resolutions and within the framework of the road map.

12. In the meantime, the economic plight of the Palestinians demanded attention and action. Alleviating their suffering and providing economic opportunity was a humanitarian imperative and an important contribution to peace. United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Development Programme, the World Food

Programme and the United Nations Children's Fund, brought help and opportunity to hundreds of thousands of Palestinians who desperately needed them. Those efforts needed the strong and sustained support of donors and the international community.

13. He thanked the Committee for its contribution to the goal of achieving peace in the Middle East and wished it success in carrying out its mandate in such an important year for the future of the Palestinian people.

Statement by the Chairman

14. **The Chairman**, speaking as the representative of Senegal, said that the presence of the Secretary-General at the meeting demonstrated his strong commitment to the realization by the Palestinian people of their inalienable right to self-determination, sovereignty and independence, which, moreover, was the Committee's raison d'être. He thanked the members of the Committee for the trust they had placed in Senegal and assured them that his Government would maintain its tradition of unequivocal solidarity with the Palestinian people, while emphasizing that that tradition had not prevented Senegal from having relations of mutually advantageous cooperation with Israel.

15. The year had begun auspiciously with the successful conduct of presidential elections in Palestine. By electing Mr. Mahmoud Abbas to the Presidency of the Palestinian Authority with a large majority, the Palestinian people had demonstrated their great maturity and their commitment to continue, in a spirit of unity and cohesion, their irresistible march to self-determination. He wished to congratulate the Palestinian people and their leaders on that achievement, which had created a new political climate and opened favourable prospects for the continuation of the political dialogue between Palestinians and Israelis. In that connection, he welcomed the summit to be held in Sharm el-Sheikh, Egypt.

16. The Committee, for its part, would continue to support all efforts to achieve an effective solution to the question of Palestine and to mobilize the international community to help the Palestinian people realize their inalienable rights.

17. He urged both parties to the Israeli-Palestinian conflict to refrain from any act that could destabilize the already precarious situation or undermine the trust that seemed to have been re-established between the Israeli Government and the Palestinian Authority. Above all, Israelis and Palestinians must commit themselves firmly and in good faith to the implementation of the road map, which, in the Committee's view, remained the best way of achieving a comprehensive, just and lasting settlement to the conflict through the creation of two States, Israel and Palestine, based on the 1967 borders. Any solution to the Palestinian question must also reflect the terms of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) and of the other relevant United Nations resolutions. No unilateral action outside that framework by either party could contribute to the achievement of a durable peace, unless, of course, it facilitated the implementation of the road map.

18. He called on the Quartet and the international community to intensify still further their efforts to resolve the question of Palestine. The Committee would continue to work to that end in cooperation with all the parties concerned and with all interested partners.

Statement by the Observer for Palestine

19. **Ms. Barghouti** (Observer for Palestine) expressed appreciation to the members of the Committee and the observers for their constant support for the realization of the inalienable rights of the Palestinian people, including their right to self-determination, independence and statehood, and for the establishment of a just and lasting peace in the Middle East. In that connection, she welcomed the Committee's draft programme of work for 2005 (A/AC.183/2005/CRP.1), which was objective and realistic.

20. The Committee played an important role in the Organization's ongoing efforts to address the situation of the Palestinian people. She wished to reiterate that, as the International Court of Justice had affirmed in its advisory opinion of 9 July 2004, the United Nations had a permanent responsibility towards the question of Palestine until the question was resolved in all its aspects in accordance with international legitimacy. Accordingly, the Organization must continue to strive for the effective realization and exercise by the Palestinian people of their inalienable rights. After so many years of loss and suffering, the attainment of that noble goal was more pressing than ever.

21. While there had been some positive developments, the overall situation in the Occupied Palestinian Territory, including East Jerusalem, remained critical and the dangers posed by the continuing occupation were very real. As the International Court of Justice had stated, there was an urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict to a speedy conclusion, thereby establishing a just and lasting peace in the region. In particular, serious efforts must be made towards the resumption and reinvigoration of the peace process with a view to the realization of the vision of two States, Israel and Palestine, living side by side in peace and security.

22. Lastly, she expressed deep appreciation to the Secretary-General, whose participation in the meeting reaffirmed the importance he attached to the Committee's work and to the question of Palestine as a whole and his commitment to achieving a peaceful settlement to the Israeli-Palestinian conflict. She was grateful to him for his efforts, both within the United Nations and as a member of the Quartet, to promote peace and security throughout the Middle East.

Expression of sympathy in connection with the recent tsunami in the Indian Ocean

23. **The Chairman**, on behalf of all the members of the Committee, expressed sympathy to the Governments and peoples of the countries affected by the recent tsunami in the Indian Ocean.

Tribute to the memory of Mr. Sami Kronfol, Permanent Representative of Lebanon to the United Nations

24. **The Chairman** paid tribute to the memory of Mr. Sami Kronfol.

25. **Mr. Assaf** (Observer for Lebanon) expressed appreciation for the Committee's condolences on the death of his country's Permanent Representative.

Report by the Chairman on developments since the previous meeting

26. **The Chairman** recalled the strong support given by the General Assembly at its fifty-ninth session to the four resolutions submitted to it by the Committee. The General Assembly's vote had once again clearly indicated the importance attached by the majority of Member States to the need to achieve a comprehensive, just and lasting settlement of the question of Palestine, based on the exercise by the Palestinian people of their inalienable rights, and had emphasized the continued responsibility of the United Nations for the question of Palestine until it was resolved in all its aspects.

27. On 10 January 2005, he had sent a letter on behalf of the Committee to Mr. Mahmoud Abbas congratulating him on his election as the new President of the Palestinian Authority. He had also congratulated the Palestinian people for conducting the campaign and election in an orderly and peaceful manner. The outcome of the elections had demonstrated the Palestinian people's enduring resilience and determination. The Committee would remain committed to the cause of the Palestinian people until they were finally able to exercise their inalienable rights in a free and independent Palestinian State.

28. The political situation in the Occupied Palestinian Territory, including East Jerusalem, had been evolving rapidly. The Palestinian Authority and Israel had resumed cooperation on security matters and there had been a noticeable calming of violence in recent weeks. Israeli officials had indicated that security control over the Gaza Strip and a number of West Bank towns would revert to the Palestinians. The Palestinian Authority under President Abbas was taking firm steps to implement measures under the first phase of the road map. Those encouraging developments were good cause for hope.

Draft programme of work of the Committee (A/AC.183/2005/CRP.1)

29. **The Chairman** introduced the draft programme of work for 2005 (A/AC.183/2005/CRP.1) which summarized the resolutions adopted by the General Assembly at its fifty-ninth session concerning the respective mandates of the Committee, the Division for Palestinian Rights and the Department of Public Information, set out priority issues for 2005 and outlined the proposed activities of the Committee and the Division for Palestinian Rights.

30. Aware of the dangers posed by the continuing Israeli settlement construction in the Occupied Palestinian Territory, including East Jerusalem, the Committee would continue to emphasize the importance of ceasing and reversing all settlement activities in order to create conditions conducive to the resumption of the political process. It would also strive

to work with maximum effectiveness in order to respond adequately and in a timely manner to the rapidly evolving situation on the ground, while promoting a constructive discussion of the various aspects of the question of Palestine and mobilizing international assistance for the Palestinian people.

31. In preparing the draft programme of work, the Bureau of the Committee had been guided by the need to make it more responsive to recent developments in the peace process. The Committee would continue to review the proposed programme in that light and would make adjustments as necessary.

32. **Mr. Diarra** (Mali) said that his delegation endorsed the draft programme of work and particularly welcomed the inclusion of a reference to the Organization of the Islamic Conference (para. 16) and the Committee's intention to encourage participation by countries and organizations which thus far had not engaged fully in its programme of work (para. 18). While some of the criticisms made during the General Assembly's consideration of the draft resolution concerning the Committee (A/59/L.34) were ideological in nature, other aspects — which had, moreover, resulted in the defection of certain countries that usually supported the draft resolution — were constructive and should be taken into account. In addition, although Committee documents would now be posted on the "Question of Palestine" web site, it would be useful to make documents available to Committee members before meetings.

33. **The Chairman** said that the fact that the Committee was criticized year after year, and indeed had been rejected by some at its very inception, came as no surprise, as it dealt with a highly political issue. He wished to point out, however, that over the years, many improvements had been made to its working methods and to the way in which it presented the situation on the ground. While the Committee would continue to take note of criticism, that should not prevent it from exercising its mandate. Indeed, many of the Committee's ideas had been rejected in the past, only to be accepted over time. He had nonetheless taken note of the comments made by the representative of Mali and agreed that it was important to listen to Member States' opinions.

34. *The draft programme of work of the Committee for 2005 (A/AC.183/2005/CRP.1) was adopted.*

Status of preparations for the United Nations International Meeting on the Question of Palestine to be held on 8 and 9 March 2005 at the United Nations Office at Geneva

35. **The Chairman** drew the Committee's attention to the provisional programme of work for the United Nations International Meeting on the Question of Palestine to be held on 8 and 9 March 2005 at the United Nations Office at Geneva, contained in working paper No. 1. Preparations for the meeting were progressing, and invitations had been sent to the participants. The central theme of the meeting would be the advisory opinion of the International Court of Justice on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory".

36. *The programme of work for the United Nations International Meeting on the Question of Palestine was adopted.*

Developments in the Middle East peace process and the situation in the Occupied Palestinian Territory, including East Jerusalem.

37. **Ms. Barghouti** (Observer for Palestine) said that the current situation in the Occupied Palestinian Territory, including East Jerusalem, appeared relatively calm yet remained very critical. Recent developments had led to cautious optimism and renewed hope for a tangible improvement in terms of the security situation and the socio-economic conditions of the Palestinian people.

38. Despite many difficulties arising mainly from the severe restrictions on movement imposed by Israel, the Palestinian people had held the first municipal elections in almost 20 years in December 2004. The President of the Palestinian Authority had been elected in January 2005, and elections for the Palestinian Legislative Council were scheduled for July 2005. All those positive developments contributed towards the enhancement of Palestinian political discourse, the development and strengthening of national institutions and the ultimate achievement of the people's inalienable rights.

39. Renewed hope regarding the resumption of peace negotiations was reflected in the anticipation surrounding the summit meeting to be convened on 8 February 2005 at Sharm el-Sheikh, Egypt. Her delegation hoped that the meeting would lead to the

full implementation of the road map and the speedy conclusion of a final peace settlement under the two-State solution of Israel and Palestine living side by side in peace and security, based on the pre-1967 borders.

40. Israel's continued oppressive occupation remained a source of deep anger and frustration among the Palestinian people. The positive measures that had been taken and ongoing efforts made by the Palestinian side to calm the situation on the ground were set against the backdrop of the occupying Power's illegal practices, particularly those aimed at further seizing and colonizing Palestinian land. Its actions constituted serious violations of international law, including human rights and humanitarian law. The recent attempt by the Government of Israel to entrench its unlawful annexation of East Jerusalem by reinstating the Absentee Property Act, while a failure, had been a stark reflection of Israel's colonial intentions and bad faith, which were absolutely contrary to the conditions for a resumption of the peace process.

41. Israel's continuing unlawful construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, was a flagrant violation of international law and contravened the advisory opinion of the International Court of Justice of 9 July 2004 and General Assembly resolution ES-10/15. Israel must comply with its legal obligations and immediately cease construction of the wall, dismantle the parts of it situated in the Occupied Palestinian Territory, including East Jerusalem, and make reparations for all damage caused by its construction. Her delegation welcomed the Secretary-General's recent announcement regarding the establishment of a register of damage, and urged that it should come into effect as soon as possible. Many thousands of Palestinian civilians were currently imprisoned in walled enclaves, and the impact of the wall's construction, particularly in Jerusalem and Bethlehem, was particularly grave. The only way to prevent a further exacerbation of the humanitarian hardships inflicted on the Palestinian people and to salvage the prospects for the achievement of the two-State solution was to compel Israel to abide by international law, including humanitarian and human rights law.

42. Israel continued its dangerous military campaign in the Occupied Palestinian Territory, killing and wounding Palestinian civilians, one of whom was a 10-year-old girl who had been shot dead in a school yard in Rafah on 31 January 2005. During the first month of 2005, the occupying Power had killed more than 60 Palestinians, since September 2000, the total number of Palestinian martyrs had risen to more than 3,620. Further, the fragile ceasefire called by the Palestinian side to halt the violence would be completely undermined if Israel could not restrain itself from assassinations and use of force against civilians under its occupation. It was now Israel's turn to declare a ceasefire.

43. Israel must cease its illegal destruction of Palestinian property, the demolition of homes, the razing of agricultural land and the destruction of vital infrastructure, all of which rendered more and more Palestinian families homeless and deprived them of their livelihoods. The occupying Power was even considering the destruction of between 200 and 3,000 homes in Gaza for the purpose of creating a so-called "buffer zone" along its border with Egypt. Rafah had already been devastated by Israel's wanton destruction. In addition, the occupying Power continued severely to restrict the freedom of movement of Palestinians by means of closures, checkpoints and roadblocks throughout the Occupied Territory and the construction of the wall. Such collective punishment of the entire Palestinian population gravely affected their socio-economic situation and deepened the humanitarian hardships that they faced.

44. Clearly, the Palestinian national struggle still faced great challenges. Ending the 37-year occupation, enabling the Palestinian people to exercise their inalienable rights, including their right to self-determination, achieving a just resolution of the plight of the Palestine refugees and establishing an independent State were the highest priorities. To that end, the international community and the United Nations had to take urgent measures. The international community could not allow the occupying Power to continue to act with impunity while defenceless Palestinian civilians suffered as a result. Israel must be compelled to abide by international law. The international community must actively assist the two sides to resume peace negotiations and advance towards the realization of the two-State solution. The Palestinian Authority had affirmed its readiness to fulfil all its obligations under the road map. Israel must do likewise. Peace could not be achieved while Israel continued to pursue its illegal policies and practices against the Palestinian people. Israel must abandon the

military option and its colonial enterprise in favour of the peace option.

45. **Mr. Mekdad** (Observer for the Syrian Arab Republic) said that his Government was keenly aware of the continued suffering of the Palestinian people caused by Israel's occupation and repressive practices, including settlements, the demolition of homes and the construction of the wall, all of which had been condemned by the General Assembly and the International Court of Justice. The Syrian Arab Republic hosted half a million Palestinian refugees. It supported the Palestinian people and the principle of national unity as the surest guarantee of an end to the occupation and the attainment of their rights. Security Council resolutions 242 (1967), 338 (1973), land-for-peace and the principles of the Madrid Conference represented the best means to effect an end to the conflict and the restoration of the rights of the Palestinian people.

The meeting rose at 12.15 p.m.